



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration  
Rockville MD 20857

FEB 25 2011

Re: Vimpat  
US Patent Nos. 5,654,301 and RE38,551  
New Drug Application 22-254  
Docket Nos. FDA-2009-E-0173  
FDA 2009-E-0175

The Honorable David J. Kappos  
Under Secretary of Commerce for Intellectual Property  
Director of the United States Patent and Trademark Office  
Mail Stop Hatch-Waxman PTE  
P.O. Box 1450 Alexandria, VA 22313-1450

Dear Director Kappos:

This is in regard to the patent term extension applications for U.S. Patent Nos. 5,654,301 and RE38,551 filed by Research Corporation Technologies, Inc. under 35 U.S.C. § 156. The patents claim Vimpat (lacosamide), new drug application (NDA) 22-254.

In the April 23, 2010, issue of the Federal Register (75 Fed. Reg. 21299), the Food and Drug Administration published its determination of this product's regulatory review period, as required under 35 U.S.C. § 156(d)(2)(A). The notice provided that on or before October 20, 2010, 180 days after the publication of the determination, any interested person could file a petition with FDA under 35 U.S.C. § 156(d)(2)(B)(i) for a determination of whether the patent term extension applicant acted with due diligence during the regulatory review period.

The 180-day period for filing a due diligence petition pursuant to this notice has expired and FDA has received no such petition. Therefore, FDA considers the regulatory review period determination to be final.

Please let me know if we can provide further assistance.

Sincerely yours,

Jane A. Axelrad  
Associate Director for Policy  
Center for Drug Evaluation and Research

cc: Kevin G. Shaw  
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